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**COUNSEL FOR HIGHLAND CAPITAL MANAGEMENT, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

IN RE:	§	Case No. 18-30264-SGJ-11
	§	Case No. 18-30265-SGJ-11
<b>ACIS CAPITAL MANAGEMENT, L.P.,</b>	§	
<b>ACIS CAPITAL MANAGEMENT GP, LLC,</b>	§	(Jointly Administered Under Case
	§	No. 18-30264-SGJ-11)
<b>DEBTORS</b>	§	Chapter 11
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.</b>	§	
<b>AND HIGHLAND CLO FUNDING LTD.,</b>	§	
	§	
<b>PLAINTIFFS</b>	§	Adversary No. 18-03078-sgj
	§	
v.	§	
<b>ROBIN PHELAN, CHAPTER 11 TRUSTEE</b>	§	
	§	
<b>DEFENDANT</b>	§	
	§	
<b>ROBIN PHELAN, CHAPTER 11 TRUSTEE,</b>	§	
	§	
<b>THIRD PARTY PLAINTIFF,</b>	§	
	§	
v.	§	
<b>HIGHLAND HCF ADVISOR, LTD.,</b>	§	
<b>HIGHLAND CLO MANAGEMENT, LTD.,</b>	§	
<b>AND HIGHLAND CLO HOLDINGS, LTD.</b>	§	
	§	
<b>THIRD PARTY DEFENDANTS.</b>	§	

**HIGHLAND CAPITAL MANAGEMENT, L.P.’S RESPONSE IN OPPOSITION TO  
TRUSTEE’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Subject to its *Motion to Stay and Compel Arbitration as to Certain Relevant Claims* [Doc. No. 102], Highland Capital Management, L.P. (“**Highland**”) hereby files this *Response in Opposition to Trustee’s Motion for Partial Summary Judgment, Subject to and Without Waiver of Highland Capital Management, L.P.’s Motion to Stay and Compel Arbitration* (the “**Response**”) in regards to the *Amended Motion for Partial Summary Judgment* [Docket No. 88] (the “**Motion**”) filed by the Chapter 11 trustee (the “**Trustee**”).

For the reasons set forth in the *Brief in Opposition to Trustee’s Motion for Partial Summary Judgment* (the “**Brief**”), fully incorporated herein, Highland respectfully requests that the Court (i) deny the Trustee’s Motion; and (ii) grant any other such relief that Highland is justly entitled to in law or in equity.

DATED: February 4, 2019

Respectfully submitted,

*/s/ Holland N. O'Neil* \_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served via ECF on February 4, 2019 to all parties of record.

*/s/ Jason B. Binford* \_\_\_\_\_

Jason B. Binford